UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,322	12/12/2001	Christopher Dansie	3211.11	4354

21552	7590	02/10/2005	

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EXAMINER
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ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 December 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>8 - 16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>8 - 16</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>3/21/2002</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to restriction/ election received on Aug.29, 2004. Claims

8 – 16 were elected. Claims 8 – 16 are pending examination.

Specification

The disclosure is objected to because of the following informalities: summary of

the invention is missing. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Parathasarathy et al. U.S.Patent No. 6,347,398 (referred to hereafter as

Parathasarathy) in view of Bowman-Amuah U.S. Patent No. 6,842,906. (referred to

hereafter as Bowman).

Parthasarathy teaches the invention substantially as claimed including a method

and system to automatically locate, download ,verify, install, register and display

multimedia components (see abstract).

As to claim 8, Parthasarathy teaches a method for providing an autonomous

multimedia computing device, the method comprising:

storing a local copy of a common configuration file and multimedia

content on the computing device (see col. 7 lines 3 – 25 , Parthasarathy discloses

storing files in the computer's secondary storage, and fig.1) ;

polling a server via a public Internet connection for updates to one or more

processes, the local copy of the common configuration file, and the multimedia content(

see col. 8 lines 19 – 27 , Parthasarathy discloses checking to see if a more recent

version of a software is available);

in response to updates being available from the server ,

downloading one or more updates via a fault-tolerant

network connection (see col.8 , lines 27 – 35, Parthasarathy discloses

downloading of updated version of a software) ; and

playing the multimedia content based on instructions contained

within the local copy of the central configuration file (see col. 9 lines 22 – 31,

Parthasarathy discloses downloading components to provide dynamic or interactive

multimedia) .

Parthasarathy does not explicitly teach the limitation "polling at pre-determined

time intervals". However , Boman teaches a 5 minute as a default poll event (see

Bowman , col. 259 line 23 – 40) it would have been obvious to one of the ordinary skill

in the art at the time of the invention was made to incorporate polling a server at a

predetermined time because doing so would allow the system or a user to check the

status of an input line, sensor, or memory location to see if a particular external event

has been registered.

As to claim 9, Parthasarathy teaches the method of claim 8, wherein storing

comprises saving the local

copy of a common configuration file and multimedia content to a storage device

integrated with the computing device (see col. 8 lines 36 – 47).

As to claim 10, the method of claim 8, wherein polling comprises:

connecting to a server from within a firewall (see col. 9 lines 32 – 50).

As to claim 11, the method of claim 8, wherein polling comprises:

connecting to a server via a fault-prone network connection (see col. 6, lines 44 – 56

and fig.2).

As to claim 12,Parthasarathy teaches the method of claim 8, wherein polling

further comprises:

responding display statistics associated with the multimedia content (see col.27 , line

15 – 36).

As to claim 13. Parthasarathy teaches the method of claim 8, wherein

downloading comprises:

streaming one or more updates to the computing device prior to allowing access to the

updates(see col. 8 lines 36 – 47, Parthasarathy discloses the downloading and the

installation of the of a desired software).

As to claim 14,Parthasarathy does not teach the method of claim 8, wherein the

local copy of the common configuration file is in extensible Markup Language (XML)

format. However, Bowman teaches an XML document (see Bowman col. 41, lines 13 –

22). It would have been obvious to one of the ordinary skill in the art at the time of the invention to configure a file in extensible Markup Language because doing so would allow designers to create their own customized tags, enabling the definition, transmission, validation, and interpretation of data between applications and between organizations.

As to claim 15, Parthasarathy does not teach the method of claim 8, wherein the fault-tolerant network connection comprises a network connection which allows downloading of a file to resume once a broken network connection is re-established. However Bowman teaches reestablishing the connection to a server (see Bowman col. 269, lines 34 – 43). It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to include a feature to enable the re-establishing the reconnection because doing so would allow the completion of downlowding the data.

As to claim 16, Parthasarathy teaches the method of claim 8, wherein the multimedia content comprises:

interactive content allowing a user to interact with the computing device (see col. 9 lines 55 – 62).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Methods For Managing the Distribution Of Client Bits To Client Computers by Narin et al. U.S. Patent No. 6,718,549.
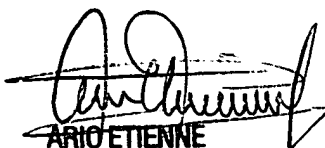
- Method And System For Downloading Updates For Software Installation by Mc Guire et al. U.S. Patent No. 6,493,871.

- Optimizing delivery Of Computer media by Fairchild et al. U.S. Patent No.6,728,760.

- Intelligent Assistance For Use With A Local Computer And With The Internet by Kirnly et al. U.S. Patent No.6,735,632.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N Nano whose telephone number is (571) 272-4007. The examiner can normally be reached on 8 hour.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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